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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,838	11/06/2001	Tallis Y. Chang	82874.0011	9358
26021	7590	03/17/2004	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			KIM, ELLEN E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,838

Applicant(s)

CHANG ET AL.

Examiner

Ellen Kim

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 11/21/03, with respect to claims 1-13 have been fully considered and are persuasive. The previous rejection of claims 1-13 has been withdrawn. Claims 1-31 are, however, rejected by the newly discovered prior art and Applicant's submitted prior art.

### ***Claim Objections***

In re claim 7, it is not clear what has been further limited by the limitation "...other than the output surface for emitting the diverted optical signals from the tap waveguide."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-8, 10-13, and 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Winzer et al [USPAT 4,860,294, Applicant's submitted prior art].**

Winzer et al disclose an integrated optical arrangement comprising a substrate [fig. 1], a main waveguide 403, a tap waveguide 402, and a Y junction tap coupler 40.

In re claim 3, Winzer et al show in fig. 3 that a directional tap coupler formed by a curved portion, wherein a portion of a tap coupler is substantially [parallel to a portion of the main waveguide.

In re claims 5 and 6, note that Applicant fails to establish the definition of the output surface of the substrate, therefore, for the examination purpose, the output surface of the substrate is considered as a portion of the top surface including the output end of the main waveguide and the tap waveguide on the substrate.

In re claim 12, since Winzer et al's device shows all the claimed structure, it is considered that Winzer et al's reference inherently shows the portion of the optical signal diverted to the tap waveguide is less than about three percent of power in the main waveguide.

**Claims 1, 9, 10, and 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Auracher et al [USPAT 4,089,583].**

Auracher et al disclose an output/input coupler for multi-mode glass fibers including a main waveguide 1 [fig. 1], tap coupler waveguide 2, and receiving optical fiber 13.

**Claims 14, 15, 17, 19-22, 24-26, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yanagawa et al [USPAT 4,900,118].**

Yanagawa et al disclose a multiple-fiber optic component comprising a substrate 101 [fig. 8] having waveguides 104, 105 having inclined surfaces, receiving optical fibers 144, 145 fixed to a receiving block 141, and output block 7 [fig. 8] with output optical fiber 2.

In re claim 19, since Winzer et al's device shows all the claimed structure, it is considered that Winzer et al's reference inherently shows the portion of the optical signal diverted to the tap waveguide is less than about three percent of power in the main waveguide.

**Claims 14-22, and 24-31 are further rejected under 35 U.S.C. 102(b) as being clearly anticipated by Winzer et al [USPAT 4,325,605].**

Winzer et al disclose a branching element comprising a substrate 34 [fig. 3] having waveguides 11 having inclined surfaces, receiving multimode optical fibers 3 fixed to a receiving block 31, and output block 34 having output optical fibers 12.

In re claim 19, since Winzer et al's device shows all the claimed structure, it is considered that Winzer et al's reference inherently shows the portion of the optical signal diverted to the tap waveguide is less than about three percent of power in the main waveguide.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (703) 308-4946. The examiner can normally be reached on Monday and Thursday.

Ellen E. Kim  
Primary Examiner

A handwritten signature in black ink, appearing to read 'E. Kim', is written over the printed name of the examiner.

February 4, 2004/EK